

### **REMARKS**

Favorable reconsideration of the application is respectfully requested in light of the amendments and remarks herein.

Upon entry of this amendment, claims 11-15, 17, 18, and 20-26 will be pending. By this amendment, claim 27 has been canceled; and claims 11, 12, 18, 21, and 22 have been amended. No new matter has been added.

#### **Objections to the Claims**

In Section 2 of the Office Action, the Examiner has objected to claims 11 and 21 because of informalities. Claims 11 and 21 have been amended, thereby obviating these objections. Accordingly, it is respectfully requested that these objections be withdrawn.

#### **§102 Rejection of Claims 12, 18, 21-23 and 26-27**

In Section 4 of the Office Action, the Examiner has rejected claims 12, 18, 21-23 and 26-27 under 35 U.S.C. §102(e) as being anticipated by Hawkins *et al.* (U.S. Patent 6,005,561; hereinafter referred to as "Hawkins"). Claims 12, 18, 21, and 22 have been amended to address the rejection. Claim 27 has been canceled.

In the Background section of the Specification, it was disclosed that "[i]n order for the viewer to be able to select the desired program from among the many available programs, the EPG data contains a table comprised of basic data such as broadcast station (channel) information, daily program broadcast information, program start time information and program length, etc. ... In contrast to analog broadcasts where the overall amount of data of the broadcast program is determined in proportion to the program broadcast time length in a fixed method, in

digital broadcasts, the overall amount of program data is further determined by the proportion of transmission bit rate to the program broadcast time length.” *Background of the Specification, page 1, line 24 to page 2, line 17.* “Accordingly, in digital broadcasts it is difficult to know beforehand how much available record media will be required in order to receive the program. Consequently, selecting the optimal record media to record the program data is difficult.” *Background of the Specification, page 2, lines 18-22.*

To solve the above-described problem, embodiments of the present invention provide a capability to extract the category of the program from the EPG and to select a recording medium based on the program category. For example, the structure of apparatus claim 12, as presented herein, includes:

“*receive means* for receiving EPG data added with supplemental information containing information indicating the category of a program, and to receive program data transmitted as a digital signal;  
*extraction means* for extracting said category of the program from said EPG data; and  
*selection means* for selecting a recording media to record said program data based on said category of the program.” (emphasis added)

The above limitations recited in claim 12 are supported in the Specification. For example, on page 23, lines 1-6, it is indicated that “record program data quantity setting is performed in addition to making settings for the record program category transmitted by the EPG from the transmit side to the record media 92-1 through 92-N and based on these category settings, the control CPU 108 is further able select an ideal record media.” (emphasis added) Further, it is indicated, on page 24, lines 11-14, that “[w]hen the control CPU 108 decides that category data is present, the process proceeds to step S44 and the control CPU 108 matches this category data with the record media number of the record media.” (emphasis added)

Although Hawkins discusses a possibility of receiving category data in the EPG, Hawkins fails to teach or suggest “selecting a recording media to record said program data based on said category of the program”.

Based on the foregoing discussion, it is maintained independent claim 12 should be allowable over Hawkins. Furthermore, since independent claims 18, 21, and 22 closely parallel, and include substantially similar limitations as, independent claim 12, claims 18, 21, and 22 should also be allowable over Hawkins. Since claims 23 and 26 depend from claims 12 and 18, respectively, claims 23 and 26 should also be allowable over Hawkins. Claim 27 has been canceled.

Accordingly, it is submitted that the Examiner's rejection of claims 12, 18, 21-23 and 26-27 based upon 35 U.S.C. §102(e) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

#### §103 Rejection of Claims 24-25

In Section 6 of the Office Action, the Examiner has rejected claims 24-25 under 35 U.S.C. §103(a) as being unpatentable over Hawkins.

Based on the foregoing discussion regarding claim 12, and since claims 24 and 25 depend from claim 12, claims 24 and 25 should also be allowable over Hawkins.

Accordingly, it is submitted that the Examiner's rejection of claims 24-25 based upon 35 U.S.C. §103(a) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

Allowable Subject Matter of Claims 11, 13-15, 17, and 20

It is appreciatively noted that, in Section 7 of the Office Action, the Examiner has indicated that claims 11, 13-15, 17, and 20 are allowed.

Conclusion

In view of the foregoing, entry of this amendment, and the allowance of this application with claims 11-15, 17, 18, and 20-26 are respectfully solicited.

In regard to the claims amended herein and throughout the prosecution of this application, it is submitted that these claims, as originally presented, were patentably distinct over the prior art of record, and that these claims were in full compliance with the requirements of 35 U.S.C. §112. Changes that have been made to these claims were not made for the purpose of patentability within the meaning of 35 U.S.C. §§101, 102, 103 or 112. Rather, these changes were made simply for clarification and to round out the scope of protection to which Applicant is entitled.

In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicant's representative at the telephone number written below.

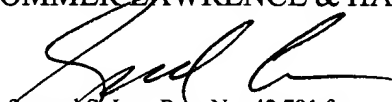
PATENT  
Appl. No. 09/320,702  
Attorney Docket No. 450100-4893

The Commissioner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account 50-0320.

Respectfully submitted,

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